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ATTORNEY DOCKET NO.

APPLICATION NO.

FILING DATE

FIRST NAMED INVENTOR

CONFIRMATION NO.

09/819,201

03/28/2001

Paul F. Connelly JR.

PFC 00422

2925

7590

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JAMES RAY & ASSOCIATES

12/03/2004

**EXAMINER** WEEKS, GLORIA R

PAPER NUMBER

ART UNIT 3721

DATE MAILED: 12/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action	Application No.	Applicant(s)
	09/819,201	CONNELLY, PAUL F.
	Examiner	Art Unit
·	Gloria R Weeks	3721
The MAILING DATE of this communication appears on the cover sheet with the correspondence address		
THE REPLY FILED 18 October 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.		
PERIOD FOR REPLY [check either a) or b)]		
a) The period for reply expires 3 months from the mailing date of the final rejection.  b) The period for reply expires on (1) the mailing date of this Advisory Astronomy (2) the transfer of this Advisory Astronomy (3) the transfer of this Advisory Astronomy (4) the transfer of this Advisory (4) the transfer of		
event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).		
Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in earned patent term adjustment. See 37 CFR 1.704(b).		
1. A Notice of Appeal was filed on Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.		
2. The proposed amendment(s) will not be entered because:		
(a) they raise new issues that would require further consideration and/or search (see NOTE below);		
(b) ☐ they raise the issue of new matter (see Note below);		
(c) they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or		
(d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.		
NOTE: <u>See Continuation Sheet</u> .		
3. Applicant's reply has overcome the following rejection(s):		
4. Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).		
5.☐ The a)☐ affidavit, b)☐ exhibit, or c)☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because:		
6. The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.		
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.		
The status of the claim(s) is (or will be) as follows:		
Claim(s) allowed:		
Claim(s) objected to:		
Claim(s) rejected: <u>1-21</u> .		
Claim(s) withdrawn from consideration:		
8. ☐ The drawing correction filed on is a) ☐ approved or b) ☐ disapproved by the Examiner.		
9. Note the attached Information Disclosure Statement(s)( PTO-1449) Paper No(s)		
10. Other:		
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Continuation of 2. NOTE: The addition of the limitation "said impact member ... having a length greater than a width thereof" requires further consideration and/or search of the art .